

United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Hearing on Examining the Need to Expand Eligibility Under the Radiation Exposure Compensation Act
Testimony Provided by Congressman Michael F.Q. San Nicolas (GU-00)

Wednesday, March 24, 2021

Good afternoon, Chairman Steve Cohen, Ranking Member Deborah Ross, and Members of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties. *Håfa Adai*. I would like to thank you for providing me and the people of Guam the opportunity to speak on an incredibly important civil rights issue that can be quickly remedied by this Congress.

The Radiation Exposure Compensation Act (“RECA”) was created by Congress in 1990 to provide a benefit payment to innocent victims, or their surviving beneficiaries, who have been significantly harmed by their involuntary exposure to the radiation caused by our nation’s testing of atomic weapons or uranium mining, milling, or transportation. Since its creation, the United States Justice Department has awarded benefits to more than 37,000 claimants. In its creation, Congress recognized that “fallout from atmospheric nuclear tests exposed people to radiation that is presumed to have caused an excess of cancer and that this risk was borne by these people to serve the national security interests of the United States.”

What Congress failed to do was recognize the innocent Americans and patriotic people of the island of Guam who were egregiously impacted by the 67 nuclear weapons testing that took place in the Marshall Islands and the additional 106 tests that took place in the surrounding areas in the Pacific Ocean. While Guam’s location affords our residents with beautiful year-round weather and a gorgeous tropical backdrop, our geographical location proved destructive due to the radioactive contamination and nuclear fallout from both atmospheric and underground nuclear testing that occurred between 1947 and 1962.

The current law recognizes individuals who meet certain disease requirements (primarily cancer) and meet geographic requirements as “downwinders”. It is incredibly vital for Members of the Subcommittee to understand that since nuclear weapons testing ceased in areas within the Pacific Ocean, the incidence of new cases of all cancers in Guam have vastly risen. Additionally, while the rest of the United States has achieved a decline in overall rates of cancer mortality, our Pacific island’s mortality rates have risen. Malignant neoplasms (cancerous tumors) is the second leading cause of death on the island after heart disease. Of the top five cancers that continue to plague the people of Guam, four types of cancers: breast, colon, liver, and lung are specific cancers that meet requirements recognized by the RECA.

The National Research Council of the National Academies formed a Committee to Assess the Scientific Information for the Radiation Exposure Screening and Education Program. One of the Committee’s responsibilities was to review and assess other possible locations that had been exposed to the radiological consequences of nuclear testing by the United States. The Committee concluded that Guam experienced “a measurable fallout” and that residents who lived in the island during the testing period “should be eligible” for benefits as downwinders under RECA. Sixteen years has passed since the Congressionally mandated report was submitted to Congress; no action to correct this injustice, not even in the form of an apology, to the people of Guam has been formalized.

I respectfully request this Committee move to include a provision in the Radiation Exposure Compensation Act that would allow affected residents of Guam the ability to file a claim as those others who suffered from cancers due to the radioactive exposure caused by this nation's testing of nuclear weapons. You will be closing wounds and healing the minds of a people who stood for and by America during and after World War II.

Select References:

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